

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

)	
Request for Review of a decision)	
by the Schools and Libraries Division)	Administrator Correspondence Dated
for Socorro Consolidated Schools)	July 24, 2019
)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Supplement

Billed Entity Number: 143303

FCC Registration Number:

FCC Form 471 Application numbers: 181020018

Funding Request Numbers: 1899074483

October 23, 2019

Socorro Consolidated Schools (Socorro) submits additional information to support the appeal previously submitted on October 4, 2019.

Socorro requests a waiver of the 60-day deadline to appeal a decision by The Administrator, and an extension of the Service Delivery Deadline for FRN1899074483. Socorro requests an extension of the Service Delivery Deadline through December 2020 to allow for the delay caused by the appeals process.

Timeline

- December 20, 2018 USAC issued a Funding Commitment Decision Letter for Application Number 181020018.
- May 22, 2019 USAC approved Form 500 requesting extension of the contract for FRN 1899074483.
- June 28, 2019 Socorro Consolidated Schools submitted a second Form 500 number: 152507 to USAC requesting extension of the Service Delivery Deadline for FRN 1899074483 upon learning that the request must be made by June 30, 2019 and the

original Form 500 to extend the contract was not sufficient to extend the service delivery deadline.

- July 24, 2019 USAC issued a Revised Funding Commitment Decision Letter denying Socorro's request to extend the Service Delivery Deadline for FRN 1899074483.
- October 4, 2019 Socorro submitted an appeal of USAC's decision to the FCC (ID # 1004019301671). This is within a week of learning that the Form 500 request to extend the service delivery deadline was denied.

Challenges

USAC's rationale for denial of Socorro's request to extend the Service Delivery Deadline for FRN 1899074483 was that the scope of work for Socorro's project changed. This rationale is incorrect. Socorro will explain why the rationale is incorrect and requests that the FCC overturn USAC's decision to deny the extension.

USAC's denial of Socorro's request to extend the Service Delivery Deadline for FRN 1899074483 has put the construction process on hold and further work is pending the FCC's approval of Socorro's request. (ATTACHMENT B – REVISED FCDL)

Due to a mistake -- a ministerial error by the contact on application 181020018 -- the appeal of USAC's decision to deny Socorro's request was delayed and the contact did not realize the denial had occurred until the 60-day deadline to appeal had passed. Therefore, Socorro's project cannot proceed without a waiver of the 60-day deadline by the FCC. Socorro filed an appeal with the FCC within a week of learning the Form 500 was denied.

Discussion

Socorro Consolidated School District is a rural school district south of Albuquerque in Socorro County with a population of just over 9,000. The per capita income in the past 12 months was \$17,017 and 28.3% of the County is in poverty.¹ The percentage of students eligible for free or reduced lunch in Socorro Consolidated School District is 92%.

In 2018 Socorro Consolidated Schools filed an application requesting E-rate funding for a self-provisioned fiber network to connect schools that are operating with bandwidths of 1 MBPS. New Mexico's matching funds program combined with E-rate funding allows Socorro students a chance to move into a 21st Century learning environment. Without these funds the district is unable to afford to build the infrastructure.

During the 2019 application cycle, Socorro Consolidated School District participated and continues to participate in a regional consortium in New Mexico called the West Central Consortium (WCC) as the lead site providing Internet Access to the rest of the consortium. WCC is providing affordable fiber-based connectivity to areas that traditionally have had few

¹ <https://www.census.gov/quickfacts/fact/table/socorrocountynewmexico,US/INC110217>

connectivity options at a premium. The State of New Mexico has supported this project and implementation of the services will begin soon.

As the entity providing Internet Access to WCC, it is important that Socorro Consolidated Schools has a strong, stable network environment and can support the services extended to the consortium.

Socorro's 2018 request for fiber services is an integral part of the district's network strength and stability. If the current decision denying Socorro's project stands, it delays modernization of the network to allow fiber connectivity to areas currently receiving less than 1 Mbps per student and prevents the district from adequately supporting students who have limited resources and limited access to connectivity.

In Form 500 # 152507 (Attachment A) Socorro timely requested extension of the Service Delivery Deadline for FRN 1899074483 as the permitting process delayed progress on installation of Socorro's self-provisioned WAN project. In the narrative of the form, the contact described the reason for delay of implementation. The pole rental agreement had legal issues, which delayed the project. Resolution occurred when the electrical coop installing the fiber was able to make clarifications to the rental agreement. Pole rental agreements by no means changed the scope of the fiber project. In the project there has been no cardinal change to the agreement between the district and the service provider: C. B. R. Service Incorporated and the vendor has made every effort to keep the project on time. Circumstances beyond the vendor's control delayed the project, thus requiring an extension of the deadline to install the service. According to the provider, once the permitting process is completed, the build should not take long. Considering that the FCDL was issued in December of 2018, Socorro was thankful that the project was going to move forward as planned in a somewhat expedient manner.

USAC denied the request on the Form 500, saying that the narrative provided on the form described a change in the scope of work. Socorro did not realize that the extension was denied, as Socorro thought there was no reason it should be denied and did not read thoroughly the Revised Funding Commitment Decision Letter until after the 60-day appeal deadline had passed. The contact looked at the first page and saw no message of denial. Only that the funded amount was the same as the revised amount. The contact made a mistake by not reading the letter all the way to the end. The denial information was on the next-to-last page.

In the Archer Order, the FCC granted appeals because petitioners demonstrated special circumstances that justified waiving rules. The FCC found that funding requests were rejected due to unintentional administrative or clerical errors and that denial of the applications was not warranted given that violations were procedural and not substantive.² Furthermore, there is precedent for granting a limited, one-time waiver in circumstances when the penalty suffered by the applicant is disproportionate coupled with other unique circumstances.³

² FCC DA 08-2381 Archer Order para. 6-7

Socorro has not violated a rule and has made every effort to follow USAC procedures. What Socorro thought would be a simple form has caused confusion, delay and possibly indirect detriment to two projects largely supported by the State of New Mexico.

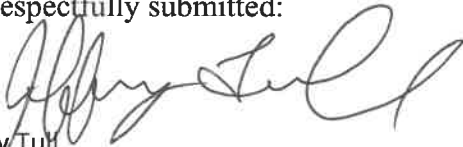
We believe that Socorro meets the criteria used to approve a waiver of the Service Delivery Deadline for Jemez Pueblo Tribal Consortium.⁴ In the Order, the FCC used the following criteria to waive the extension request deadline:

- (1) The extension request would have been granted if it had been timely filed.
- (2) The applicant made significant, good faith efforts to extend the implementation deadline, even belatedly.
- (3) There was no evidence of waste, fraud, or abuse.

In this case, the request was timely filed, but there was a communication breakdown between Socorro and USAC and a misunderstanding of the situation caused USAC to deny the Form 500. The applicant did make a good effort to extend the implementation deadline and there is no evidence of waste fraud or abuse.

We also hope that the FCC understands how significantly the loss of E-rate funding on this project will impact the children of Socorro Consolidated Schools. We ask the FCC to determine that it is in the public interest to grant our request continue the fiber project that will bring real Internet Access to underserved students in New Mexico and allow them to move into the 21st Century.

Respectfully submitted:



Jeffery Tull

Technology Director

Socorro Consolidated School District

³Metropolitan Nashville Public Schools, Schools and Libraries Support Mechanism, CC Docket No. 02-6, Order, 33 FCC Rcd 12334, 12338, para. 13 (WCB 2018)

⁴ In the Matter of Request for Waiver by Jemez Pueblo Tribal Consortium Jemez and Zia Pueblos, New Mexico, DA 17-1179, para.7